



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,299	03/26/2004	Christian Bleys	Serie 6155	9269
7590 Linda K. Russell Air Liquide Suite 1800 2700 Post Oak Blvd. Houston, TX 77056		06/26/2008	EXAMINER PATEL, NIHIR B	
			ART UNIT 3772	PAPER NUMBER
			MAIL DATE 06/26/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Linda K. Russell
Air Liquide
Suite 1800
2700 Post Oak Blvd.
Houston, TX 77056

In re Application of:
Christian Bleys, et al.
Serial No. 10/810,299
Filed: March 26, 2004
Docket: Serie 6155

Title: PORTABLE ASSEMBLY FOR
EMERGENCY VENTILATION

6/26/08

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition to withdraw the holding of abandonment filed on Apr. 3, 2008. The petition is being considered as a petition pursuant to 37 CFR 1.181(a). No fee is required. The petitioner requests a withdrawal of the holding of abandonment.

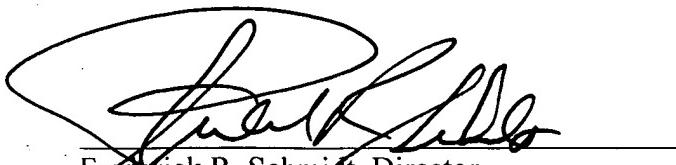
The petition is **GRANTED**.

The present application was held abandoned for failure to timely respond to the Non-Final Rejection mailed on May 17, 2005 which set forth a three-month period for reply. Notice of Abandonment was mailed on Feb. 4, 2008.

Petitioner asserts that a timely response to the Non-Final Rejection was submitted on Aug. 17, 2005. The petitioner has supplied a copy of the May 17, 2005 Non-Final Rejection, which indicates that the status of the rejection was non-final. The petitioner also has supplied a copy of the amendments including a copy of the Certificate of Mailing under 37 CFR 1.8(a) for Aug. 17, 2005. A copy of the IFW supplied by petitioner indicates that amendments were filed on Aug. 22, 2005. The petitioner has further supplied a copy of an Advisory Action mailed Jan. 25, 2006, which states the Aug. 22, 2005 amendments were filed after a final rejection, although the May 17, 2005 rejection was non-final. Petitioner states that the applicant's manager and the PTO corresponded by phone after receipt of the Jan. 25, 2006 Advisory Action at various times in 2006 and 2007. Then, the Notice of Abandonment was mailed on Feb. 4, 2008.

As the petitioner has provided convincing evidence that a timely reply to the Non-Final Rejection was mailed with a Certificate of Mailing on Aug. 17, 2005, there is no abandonment in fact. Any inconvenience or delay caused to applicant is regretted.

In view of the above, the Notice of Abandonment mailed Feb. 4, 2008 is in error and is hereby vacated. The holding of abandonment is withdrawn. This application is being forwarded to the examiner in Art Unit 3772 for appropriate action.



Frederick R. Schmidt, Director
Technology Center 3700